

PROB 12C  
(7/93)

**United States District Court**  
**for**  
**District of New Jersey**

**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Keith McKinney (a/k/a "Keith Clyburn")

Cr.: 2:99-CR-346

Name of Sentencing Judicial Officer: Alfred J. Lechner, Jr. (D/NJ)

Date of Original Sentence: 11-30-99

Original Offense: Possession of a Weapon by a Convicted Felon (18 U.S.C. 922(g)(1))

Original Sentence: 37 months incarceration with three years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 11-10-02

Assistant U.S. Attorney: Michael Buchanon

Defense Attorney: John Yauch, AFPD

**PETITIONING THE COURT**

- ☒ To issue a warrant  
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
-------------------------	--------------------------------

1	
---	--

	The offender has violated the supervision condition which states ' <b>You shall not commit another federal, state, or local crime.</b> '
--	--

Keith McKinney a/k/a "Keith Clyburn" and his home (105 Belmont Avenue, 3<sup>rd</sup> Floor, Paterson, New Jersey) had been under surveillance due to information received from a CI about drug dealing. On two occasions, the CI, under the supervision of law enforcement, purchased 10 glassine envelopes of heroin, worth \$200, from Keith McKinney at his residence. On April 15, 2004, a search warrant was conducted at the offender's residence, at which time, the following items were found: two small baggies of marijuana, drug packaging material, \$2,400 in U.S. currency, police scanner, binoculars, three video cameras in various windows (inside the offender's apartment) hooked up to monitors also in the offender's apartment, and keys to a residence, leased by Tamisha Wright, located at 44 Doremus Street, 2<sup>nd</sup> Floor, Paterson, NJ.

After receiving consent from Tamisha Wright to search her apartment, law enforcement found around 303 glassine envelopes of heroin, 46 baggies of crack cocaine, and unused baggies used for packaging CDS, located in her bedroom dresser. In a sworn statement to police, Ms. Wright advised that Keith McKinney stole her keys to her apartment and comes to the home during the day to store drugs. The offender was charged with Possession with Intent to Distribute Heroin, Possession with Intent to Distribute Crack Cocaine, Possession of Marijuana, Possession with Intent to Distribute Heroin within 500 feet of a park, and Possession with Intent to Distribute Crack Cocaine within 500 feet of a park, all 2<sup>nd</sup> degree felonies.

On July 5, 2005, the offender pled guilty to 2<sup>nd</sup> Degree Possession with Intent to Distribute CDS within 500 feet of School. Sentencing is scheduled for October 7, 2005.

The Probation Office has determined this conduct constitutes a **Grade A violation.**

- 2           The offender has violated the supervision condition which states '**You shall not commit another federal, state, or local crime.**'

On September 7, 2004, Paterson Police Detectives observed the offender standing on a street corner, at which time, they believed he had an outstanding warrant. As the detectives approached McKinney, he dropped an item from his hand. It was determined that the offender was not the person with an outstanding warrant, however, the item was recovered from the ground, which was determined to be a small plastic bag of marijuana. McKinney was arrested and charged with Possession of Less than 25 Grams of Marijuana. On September 10, 2004, the offender pled guilty in Paterson Municipal Court to an amended charge of Wandering in a Public Place with the Purpose of Obtaining or Distributing CDS (a Disorderly Persons Offense) and was sentenced to a \$405 fine.

As of this date, McKinney failed to pay his fine and there is an active \$430 bench warrant for his arrest.

The Probation Office has determined this conduct constitutes a     **Grade C violation.**

- 3           The offender has violated the supervision condition which states '**You shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.**'

After sustaining the arrest on April 15, 2004, as noted in violation number one, McKinney did not notify his U.S. Probation Officer of this arrest until May 3, 2004. After sustaining the arrest on September 7, 2004, as noted in violation number two, McKinney did not notify his U.S. Probation Officer of this arrest until September 28, 2004.

The Probation Office has determined this conduct constitutes a     **Grade C violation.**

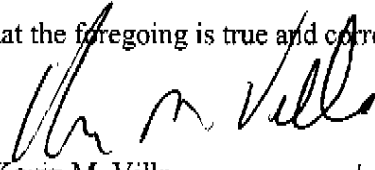
- 4           The offender has violated the supervision condition which states '**The defendant shall cooperate in the collection of DNA as directed by the probation officer.**'

The offender was scheduled for DNA testing on May 25, 2005 and June 29, 2005, to which he failed to appear, as mandated 42 United States Code 14135a(a)(5).

The Probation Office has determined this conduct constitutes a     **Grade C violation.**

PROB 12C - Page 4  
Keith McKinney (a/k/a "Keith Clyburn")

I declare under penalty of perjury that the foregoing is true and correct.

  
By: Kevin M. Villa  
U.S. Probation Officer  
Date: July 7, 2005 7/16

---

THE COURT ORDERS:

- ☒ The Issuance of a Warrant  
☐ The Issuance of a Summons. Date of Hearing: \_\_\_\_\_  
☐ No Action  
☐ Other

  
\_\_\_\_\_  
Signature of Judicial Officer

  
\_\_\_\_\_  
Date